

APPROVED ON JUNE 8, 2015

**PLANNING BOARD MEETING  
MAY 11, 2015 AUDITORIUM  
62 FRIEND STREET, AMESBURY, MA.  
MEETING CALLED TO ORDER AT 7:02 P.M.**

**PRESENT:** Robert Laplante, Ted Semesnyei, Howard Dalton, Scott Mandeville.

**ABSENT:** David Frick, Lars Johannessen, Karen Solstad.

**ALSO PRESENT:** Nipun Jain, Planner; Paul Bibaud, Recording Secretary

**MINUTES:**

**Apr. 13, 2015 Mtg.:** Robert Laplante motions to approve with one minor typo. Scott Mandeville seconds the motion. AIF.

**Apr. 13, 2015 Executive Session:** Robert Laplante makes motion to approve, motion seconded by Scott Mandeville. AIF.

**Apr. 27, 2015 Mtg.:** Robert Laplante motions to approve with two minor typos. Motion was seconded by Scott Mandeville. AIF

**SIGN APPLICATIONS:**

**4 POPLAR STREET-BRIGGS MILL**

**Nipun Jain:** The applicant has revised his sign application per the recommendations of the sign committee, so staff recommends that the revised application be approved.

**Motion by Robert Laplante to approve the application. Motion was seconded by Scott Mandeville. AIF.**

**77 MACY STREET - FOLEY VISION CENTER**

**Nipun Jain:** This application was also revised and we got the revisions today and was passed out to board members. There are 3 components to the application. 1. The Foley Vision Center building mounted signs on front and back of the building, which has been revised based on the recommendation of the sign subcommittee to reduce square footage on both signs. 2. The free standing sign, which needed more information to be submitted, and this is the revision of their free standing sign. 3. Included in the revised information are these three panels for other units, located in the building. The sign maker is filing for the sign subcommittee but also on behalf of the property owner, as well. I've not had time to review this third component. The first component is per the sign subcommittee's recommendation as far as location and area. The second, the free standing sign, because it is a directory sign, it only has basic information on it.

**Ted Semesnyei:** So is the original application only for the Foley Vision Center sign?

**Nipun Jain:** That's the name on the application. I believe as part of the marketing efforts, they were also updating the free standing sign.

**Scott Suleski from Sign Design and Sales, Amesbury:** The free standing sign out there now is a temporary sign put up during construction, but was never permitted. So we are applying for a permit for that too.

**Scott Mandeville:** As a member of the sign subcommittee, we reviewed the Foley Vision Center sign, and those signs look good and meet the requirements. Forty square feet is the total allowed square footage for directory signs, so it complies with the area. The board had asked for information on what are the posts and building materials. It is extruded aluminum as per the original application. The panel itself will be aluminum panels, and the sign will not be illuminated.

**Nipun Jain:** Bylaws require the sign to be 15 feet from the property line. You are showing it is going to be moved 8 feet from its current temporary location. Will that be 15 feet from the property line also?

**Scott Suleski:** I will have to check, I didn't know that.

**Nipun Jain:** Check on that. The building was moved closer to the lot line but it may have to move closer to the building, too. So the main building sign for Foley is okay. There are no other signs proposed for the other units except for these.

**Scott Suleski:** The one sign on the back, you had asked what would the other tenants do, so that was an example from the building owner. He hasn't applied for a permit for that.

**Nipun Jain:** That was one of the comments that we had from the recommendations of the sign subcommittee, to identify the location and size to create uniformity between all of the signs. If the committee's recommendation is to be taken further, the location and the size could be approved, but the actual design of these three panels should be reserved when a request is submitted for formal signage.

**Howard Dalton:** We're going to need a plan showing location of the sign relative to the lot line and the buildings, and I'd have these people come into a meeting.

**Nipun Jain:** There are two ways you can do this: approve it in this format as dimensioned, and on the directory sign, they would have to use these graphics, if it is acceptable to these people, who are not part of the application. The sign would not be approved for other tenants until they make application. You are approving the format, location and how the directory sign would be built, so that Foley Vision Center can place their panel in the directory sign. If other users in the building wish to use the directory sign as it's approved, then they also should submit the request for their sign.

**Motion was made by Scott Mandeville to take this in two parts. First I'd accept the Foley Vision Center sign in its size, graphics, and location. Motion is seconded by Ted Semesnyei. AIF. (The two wall signs only).**

**Motion by Scott Mandeville to recommend the directory sign get approval from the other tenants, if this is the direction they'd like to go, and return to sign subcommittee with a plan showing location, setback from the lot line, and see if we can rectify the graphics here to see if everyone is on board with the same. So I recommend the directory sign come back to sign subcommittee at a date to be decided that's convenient for all parties.**

**Nipun Jain:** So you would need to submit to the board that each of those tenants agree to the graphics that you're showing, but yes, it can all be done on one application, as a property owner.

**Ted Semesnyei seconded Scott's motion. Vote was AIF.**

**ADMINISTRATIVE:**

**56-58 SOUTH HAMPTON ROAD-LOCKE HILL SUBDIVISION (COUILLARD)**

**Nipun Jain:** This is currently under construction. The few things that they wanted to be considered by the board as minor modifications: under the permit requirements, they are supposed to provide to DPW \$20,000 towards storm water management maintenance and oversight off site. There was supposed to be an agreement that, after the release of five lots, that that money would be given to DPW. In talking to DPW director, they are working to do offsite improvements shortly, and they would like to have that money to go towards the contract. So in speaking with the developer, he agreed to give that \$20,000 now, but he requested that the board be considerate in not requiring all of the erosion control at the same time. At the last meeting, the board broke the erosion control into two parts: one for the right of way and one for the lots. So I did tell him that it has been broken into two parts, and he only needs to provide the erosion control for the right of way. So that is one minor modification that he wanted the board to formally endorse. Second, the erosion control be allowed for the lots to be placed individually.

**Howard Dalton:** That's a nightmare.

**Nipun Jain:** I just wanted to let you know that he wanted this to be conveyed to the board. Staff recommendation is to endorse the minor modification to allow the erosion control to be broken into two parts, and to modify the decision to reflect that.

**Howard Dalton:** Well, we've already worked on that, but to allow him to go lot by lot with erosion control is inviting trouble. If anything, it should be done in blocks of five, let's say.

**Nipun Jain:** How about if we do it for all the lots on one side to be done at one time, and the next time, do all the lots on the other side?

**Howard Dalton:** Exactly. That way, you don't have them zig- zagging all over the place between lots.

**Nipun Jain:** So does the PLB wish to amend the requirements of erosion control bond to be done in the manner such as 1. the roadway/erosion control be bonded as one, 2. the lots on one side of the road proposed right of way be bonded, 3. last batch of lots on the other side of the roadway be bonded. There are 6 or 7 lots on each side. Its 15, but it includes 2 existing houses, so it is 13 new built houses.

**Motion to allow the applicant to 1. Submit the erosion control bond for the right of way roadway development, 2. Erosion control bond for the house lots on one side, 3. Erosion control bond for the opposite side. Motion was seconded by Robert Laplante. AIF.**

**284 ELM STREET- HAMPTON INN**

**Nipun Jain:** In 2012, the project was approved with conceptual building elevations and drawings. Other aspects with regards to storm water, engineering, site access and traffic was approved as a site plan review only application for the proposed hotel. The property owner sold the project to a developer, and that developer submitted a letter to the PLB formally acknowledging the terms and conditions of the PLB approval. There were certain requirements of the approval, which included erosion control bonds, all of the surety bonds, the approved decision and plans to be recorded, easements to be provided. The developer has 99% provided the information to the PLB and is acceptable to the staff. You do have mylars for endorsements so they can be recorded. This is a design built operation. They are looking to start work on the mitigation work associated with the

wetlands on the site, which is very close to Stop and Shop. They need 4-5 weeks of work just to do mitigation work, because of the extensive work needed and the conditions. But they cannot do anything without first clearing and starting mitigation work. They gave us a letter of credit for the erosion control and performance bond. Because this is not a subdivision, it is their understanding that that is something the PLB can accept. But to the city attorneys, it is not. You can only accept tri-partied bond or other forms of mechanism that the PLB typically accepts. I've not had the chance to explain that to the applicant, but given that there is flexibility in the PLB's decision to require a covenant in lieu of a performance bond and they are still far away, it may be easier to solve the performance bond issue right now, because the bond is in the amount of \$800,000. The erosion control, given how the site is graded, you have the retaining wall and everything from the retaining wall back to the resources areas. Once the retaining wall is built, and all the infrastructure is laid, the erosion control will be less required beyond the retaining wall up to Elm Street, because everything drains away from the back up to Elm Street, and that will have to be stabilized. So there were two options on the erosion control bond:

1. To bond everything from the resource areas, which is the farthest portion of the site, all the way up to where they will be grading to the retaining wall, and 2. to do no other work from that point on until they build the retaining wall, load the site, raise the elevation, and to break it into two parts. But I want to know if the board feels this is an acceptable approach. Because if you ask for the full erosion control, that would mean pretty much the whole site. They won't be working on the road side, because of the ConCom's Order of Conditions. Before they even start any of the work, they have to do the majority of the mitigation and restoration work, then build the retaining wall, and then do anything from the retaining wall up to the street. So their issue was, it is a fast paced job, three months, they do not want to have a bonding company come in and then come for an instant release from that within two months. So the solution I've come up with, to summarize:

Performance bond can be a covenant until they do everything up to the pad, and then bring in the performance bond, something else other than a letter of credit. For the erosion control bond, they need to provide a bond for the work from the resource areas up to the retaining wall, and once they install the retaining wall, then the PLB consultant can advise if there is the need for additional erosion control bond. The conditions of the board's decision requires that all of this be done prior to start of construction. They've been waiting for 2 months to get the construction started, for one reason or another. They would like this to happen now, so that the board can endorse the plans and they'll be happy to come back before the board at the next meeting to resolve any issues. Other than that, the only thing that's remaining is, we had given them the recommendations from the subcommittee on the elevation changes. They are saying that they had already gotten the approval of Hampton Inn on the conceptual design, which was what was given back to them as an approved building design. It would take 4 months for corporate to get back with the acceptance of the revisions, if they are acceptable. The board's decision requires that the elevations be approved before start of construction. So the only way to do this is, we allow them to move forward, and since there is a covenant for them not to be able to pull a building permit, you can ask them to come back in 6 weeks and give you a progress report on where it stands with corporate. This is a decision that they don't make. They have to go back to them.

**Scott Mandeville:** I think we should certainly allow them to start onsite work, and they can make progress. There is no change to the footprint, just to the elevation. But I would advise that we hold them to a good design for the city of Amesbury.

**Ted Semesnyei:** So what specifically do they need approval for from corporate?

**Nipun Jain:** It's the change to the material, the aesthetics of the elevation. Currently the applicant wishes to move forward with stucco. Wherever they are showing brick, its not real brick, it is applied brick. The subcommittee wants more traditional architecture, with clapboards like they have done in Exeter. The committee is using that as a model to make the building more consistent with what you have in Amesbury. Also to make the building not as tall as it otherwise appears. So it requires changes to their design, materials, and the image that Hampton Inn wants to project, in the category of hotel that they are building here. But they have not yet met with the subcommittee. But I did tell them stucco was not going to work. It has to be clapboard, very similar to Exeter. The window trim needs to be better designed. They have to incorporate a lot of the details that you have in the Exeter hotel. That is really what the subcommittee wanted, with some flexibility from that design to what was on the concept plans. Then there was how it would be laid out on the elevation.

**So, our request today is:**

- 1. The modification to the bonds, as I outlined, and the covenant in lieu of performance bond;**
- 2. to endorse the mylars with the understanding that they are only doing only site work at this point, and will come back with modified elevations;**
- 3. to accept BSC as the board's engineering monitor.**

**Scott Mandeville makes a motion of "so moved." Motion was seconded by Ted Semesnyei. Vote was AIF.**

**Nipun Jain** informs the board of the various items that require their signatures, due to tonight's voting on applications.

#### **SITE VISITS:**

**Ted Semesnyei:** Is anyone interested in site visits to these two locations? I assume they are coming up at our next meeting on June 8, so anytime before that date.

**Scott Mandeville:** I was content with the drawings. Walking around Woodsom fields is not going to give us anything more or any insight, personally.

**Ted Semesnyei:** I thought boards members wanted to do a site visit.

**Scott Mandeville:** I have no problem if anyone wants else to do that. First thing in the morning can work for me, but not anytime during the day.

- 1. 13 LAKE SHORE DRIVE SITE VISIT**
- 2. WOODSOM FARM SITE VISIT**

**MOTION to adjourn by Howard Dalton, seconded by Robert Laplante. AIF.**

**MEETING ADJOURNED AT 8:51 P.M.**